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## PART III

### Notifications by High Court, Advertisement, Notices and Change of Name etc.

THE HARYANA ELECTRICITY REGULATORY COMMISSION

BAYS NO. 33-36, SECTOR-4, PANCHKULA, HARYANA

#### Notification

The 25th February, 2022

#### The HERC Contractual Employees (Terms and Conditions) Regulations, 2022

**Regulation No. HERC/57/2022.**— hereby makes the following regulations regulating the terms and conditions of service of contractual employees of the Commission:-

#### PART-I GENERAL

1.	<b>Short Title and Commencement. -</b> i. These Regulations may be called the HERC Contractual Employees (Terms and the Conditions) Regulations, 2022. ii. These shall come into force with effect from the date of notification by Commission.
2.	<b>Application.</b> -These Regulations shall be applicable to all the contractual employees working in HERC on a post equivalent to Group A, B, C, D or posts designated by Commission.
3.	<b>Definitions. -</b> In these Regulations, unless the context otherwise requires: - (a) <b>'Commission'</b> means Haryana Electricity Regulatory Commission. (b) <b>'Compensatory Allowances'</b> means Dearness Allowance, House Rent Allowance, Fixed Medical Allowance, Travelling Allowance, etc., admissible if any, under these Regulations; (c) <b>'Continuous Satisfactory Service'</b> means the period of satisfactory service on a post in HERC excluding the period of break in service, if any. It includes period of any kind of leave Including Maternity Leave sanctioned by the competent authority except extra ordinary leave taken otherwise than on medical certificate; (d) <b>'Contractual Employee'</b> means a person appointed on contract for a limited period as per terms and conditions of appointment; (e) <b>'Contractual Employees Regulations'</b> means the Service Regulations notified by HERC applicable to the employees working on contract basis in HERC; (f) <b>Emoluments</b> means the total amount of wages or basic pay, as the case may be, plus compensatory allowances, admissible if any, under these Regulations; or a consolidated amount as specified by Commission.

	<p>(g) <b>'Functional Pay Level'</b> means functional pay scale sanctioned for the post applicable from or after 01.01.2016 to the Government employees;</p> <p>(h) <b>'Government'</b> means Government of Haryana in Administrative Department;</p> <p>(i) <b>'Government Employee'</b> means a person appointed on regular basis in any department of Haryana Government;</p> <p>(j) <b>'Organization'</b> means any Department/ Board/ Corporation/ Society/Mission/Commission/Authority any other organization under the State Govt. of Haryana;</p> <p>(k) <b>'Pay or Wages'</b> means equal to—</p> <ol style="list-style-type: none"> <li>minimum of the pay level if appointed against a post which has been sanctioned in a functional pay scale;</li> <li>A lump sum amount which has been decided by the Chairperson/Commission;</li> <li>DC rate if appointed against a post for wages equal to DC rate have been sanctioned;</li> <li>DC rate if neither the pay level nor the lump sum amount has been sanctioned for the post against which person has been appointed on contract;</li> </ol> <p>(l) <b>'Person'</b> means the contractual employee of the Organization to whom these Regulations are applicable;</p> <p>(m) <b>'Qualifying service'</b> includes duty period and all kinds of leave including Maternity Leave but does not include extra ordinary leave taken otherwise than on medical certificate;</p> <p>(n) <b>'Recognized university'</b> means—</p> <ol style="list-style-type: none"> <li>any university incorporated by law in India; or</li> <li>any other university which is declared by the Government to be a recognized University for the purpose of these service bye-laws;</li> </ol>
4.	<p>No person shall be appointed to any post unless—</p> <ol style="list-style-type: none"> <li>He is a citizen of India; and</li> <li>He has requisite qualification &amp; experience as specified in vacancy circular/advertisement.</li> </ol>
5.	<p><b>Age. -</b></p> <p>No person shall be appointed to a post who is less than 18 years of age and more than 65 years of age or as such as prescribed in the service Regulations applicable in case of appointment on regular basis on the same post.</p> <p>Provided that in exceptional circumstances the Commission may relax the upper age limit, after recording the reasons in writing.</p>
6.	<p><b>Tenure of contractual posts-</b></p> <p>The tenure of contract shall be-</p> <ol style="list-style-type: none"> <li>For a period of six months or as specified by the Commission which is extendable subject to good conduct and performance during the contract period upto the maximum extent of 5 years.</li> <li>Date of appointment of anyone on regular basis; Or whichever is the earlier.</li> </ol> <p><b>Note:-</b></p> <ol style="list-style-type: none"> <li>In case the work and conduct of the contractual person not found to be satisfactory by the competent authority during the contractual period, the contract can be terminated at any time without any prior notice.</li> <li>First month of contract shall only be a trial period.</li> </ol>
7.	<p><b>Authority competent for appointment or extension of term of contract. -</b></p> <ol style="list-style-type: none"> <li>Commission shall be the competent authority for appointment on contract against post of Group A, B, C or D.</li> <li>The term of contractual appointment may be extended by the Commission from time to time maximum upto five years subject to satisfactory work and conduct and availability of post.</li> <li>Where the contract of an employee is not extended by the competent authority, it shall stand terminated automatically without any notice.</li> </ol>
8.	<p><b>Mode and Method of Recruitment. -</b></p> <ol style="list-style-type: none"> <li>Recruitment on contract shall be made by the competent authority by contract recruitment through a transparent process.</li> </ol>

	<p>(2) The remuneration and other allowances admissible shall be clearly defined in the appointment letter.</p> <p>(3) For appointment on contract by direct recruitment, applications shall be called by way of public advertisements in minimum two prominent newspapers and/or on official website of the HERC for easy access. The advertisement shall clearly state the policy/post under which the appointment is to be made.</p> <p>(4) Online applications shall be invited on the official website of the HERC by giving a period of minimum 15 days.</p> <p>(5) The interested candidates shall have to submit their applications online/offline with supporting documents. Incomplete applications without supporting documents or applications received after the last date shall be summarily rejected and no communication shall be made/entertained in this regard to the applicant.</p> <p>(6) The selected candidates shall be issued the appointment letter by the appointing authority to join service with the certificate of medical fitness issued by the Chief Medical Officer, Panchkula within thirty days of issuance of appointment letter.</p> <p>(7) The incumbent will be required to join and report to the concerned office maximum within one month of the issue of letter of appointment.</p> <p>(8) The contractual employee shall have to sign an agreement with the Commission.</p>
<b>9.</b>	<p><b>Eligibility Criteria and Qualification. -</b></p> <p>i. No person shall be appointed to any post, unless he is in possession of required qualification and experience as specified in the vacancy circular/advertisement,</p> <p>ii. He/she should have;</p> <p>(a) Hindi or Sanskrit as one of the subjects in Matric; or</p> <p>(b) Hindi as one of the subjects in higher standard;</p> <p>iii. There shall be no restriction of educational qualification for appointment of a person who has retired from service while holding the equivalent post at the time of retirement.</p>
<b>10.</b>	<p><b>Disqualification. -</b></p> <p>(a) No person;</p> <p>i. who has entered into or contracted a marriage with a person having a spouse living; or</p> <p>ii. who having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any post in the Service; Provided that the appointing authority may, if satisfied, that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.</p> <p>Provided that the appointing authority may, if satisfied that such marriage is permissible under the personal law applicable to such person.</p> <p>(b) who has been dismissed from service by Government of India or any State Government or a Local Authority, Board, Corporation or Institution, shall be eligible for appointment to any post.</p> <p>(c) In addition to above any of the following shall also be treated ineligible for contractual appointment of retired Government employees: -</p> <p>i. The integrity not being certified in service records;</p> <p>ii. ACRs of last five years should not be lower than Very Good.</p> <p>iii. No departmental/judicial proceedings should be pending at the time of retirement.</p> <p>iv. No punishment should be awarded during last three years of service.</p> <p>v. There should be no other general ineligibilities for government service.</p>
<b>11.</b>	<p><b>Fixation of Pay or Wages. -</b></p> <p>(1) Where the appointment on contract has been made against a post sanctioned in the functional pay level, the basic pay shall be fixed equal to entry level pay i.e. at minimum of the functional pay level.</p> <p>(2) Where the appointment has been made against a post sanctioned with lump sum salary in such case the wages shall be fixed equal to DC rate or lump sum amount as decided by the Commission, whichever is more.</p> <p>(3) Where the appointment has been not made against a post sanctioned but to a post created for a project with lump sum salary in such case the wages shall be fixed to DC rate or a lump sum amount as decided by the Commission, whichever is more.</p>

	If the contractual employee is a retired personnel who is in receipt of any retiring pension, in such case the pension shall be deducted from the pay, provided the same has been fixed equal to minimum of the functional pay level of the post.
<b>12.</b>	<b>Fixation of Pay or Wages of the existing employees. -</b> Wages or Pay and Allowances, as the case may be, presently drawn by the persons appointed on contract in HERC shall not be less than the wages or pay and allowances as admissible under these regulations
<b>13.</b>	<b>Annual increment or enhancement in Basic Pay or Wages. -</b> (1) Where pay is fixed in the functional pay level, the annual enhancement shall be equal to 3% of the pay either on 1 <sup>st</sup> January or 1 <sup>st</sup> July, as admissible in the Pay Matrix applicable from 01.01.2016; and (2) Where wages are being paid lump sum against a post sanctioned with fixed salary the annual enhancement @ 5% shall also be admissible once in a year either on 1 <sup>st</sup> January or 1 <sup>st</sup> July; (3) In case of employees appointed on job work, daily wages, the annual enhancement @ 5% shall also be admissible Provided in all the cases it shall be admissible either on 1 <sup>st</sup> January or 1 <sup>st</sup> July subject to completion of minimum six months qualifying service before that date.
<b>14.</b>	<b>Fixed Medical allowance. -</b> A fixed medical allowance of Rs. 1,000/- per month shall be admissible to all employees irrespective of his/her length of service.
<b>15.</b>	<b>Travelling Allowance. -</b> A contractual employee who is directed by the competent authority to perform a journey in official capacity, he/she shall be entitled to travelling allowance and/or daily allowance at the rate admissible to a Government employee.
<b>16.</b>	<b>Entitlement of leave. -</b> The contractual employees shall be entitled to the following kinds of leaves: - (a) <b>Casual Leave:</b> Casual Leave upto 10 days for both male and female employees shall be admissible during the calendar year. The casual leave not exceeding 3 days shall be granted at one time. The casual leave at the credit of an employee shall lapse on resignation/termination/expiry of contract or at the end of the calendar year. (b) <b>Medical Leave:</b> Medical Leave not more than 10 (ten) days during a calendar year shall be admissible subject to production of medical certificate of illness from Chief Medical Officer (CMO), Panchkula. <b>Note:-</b> The Medical Leaves will not accumulate after completion of contract period and there will be no encashment of leave on completion/termination of contract. (c) <b>Maternity Leave:</b> Maternity Leave with pay upto maximum period of 6 months i.e. 180 days shall be admissible to a contractual female employee, subject to completion of minimum three months satisfactory service. <b>Note:-</b> Leave cannot be claimed as a matter of right. When the exigencies of services are so required, the leave of any kind may be refused or revoked by the authority competent to grant it.
<b>17.</b>	<b>Contribution to EPF/ESI etc.-</b> It will be the responsibility of DDO/Head of the office to deduct an amount from the wages of contractual employees engaged (other than the retired persons) in form of subscription to their Employees Fund Account at the rate of 12% of wages and also to contribute from the funds of Commission at the rate of 12% or as prescribed by Employees Provident Fund Organisation (EPFO) from time to time and deposit the same in Provident Fund Account of the contractual employees. All the provisions as applicable under EPF would be applicable as amended from time to time.
<b>18.</b>	<b>Compassionate Financial Assistance. -</b> One-time Compassionate Financial Assistance to the family of deceased contractual persons under ex-gratia scheme shall be admissible @ Rs. 3.00 lakh or as prescribed by the Government from time to time.
<b>19.</b>	<b>Record of Service. -</b> Personal File of each contractual employee shall be maintained.

<b>20.</b>	<b>Conduct Rules. -</b> Haryana Civil Services (Conduct of Government employees) Rules, 2016 shall be applicable to all contractual employees provided that the term 'Government employee' wherever occurs in the said Rules shall be deemed as the term 'contractual employee', 'pay' similarly, the term 'pay' or 'basic pay' shall be deemed as 'wages', where necessary.
<b>21.</b>	<b>Grievances Redressal Mechanism. -</b> (a) In case of individual hardship to a contractual employee the same shall be submitted for consideration before the Head of Office. (b) In case of no response or unsatisfactory reply, one may submit his hardship in the shape of appeal to the Appointing Authority or the next higher authority of the Commission or the Commission itself.
<b>22.</b>	<b>Termination or Dis-continuation of Contract. -</b> (a) The employees under these regulations shall be governed by the Haryana Civil Services (Punishment and Appeal) Rules, 2016 and HERC regulations for any misconduct or breach of the contract. (b) In case an employee himself wants to resign, he can do so by giving one month's notice or by depositing one month's wages or salary in lieu thereof. Provided that if an employee remains willfully absent during the period of notice, he shall not be entitled to receive any wages or salary, as the case may be, during the period of willful absence. (c) The contract of an employee shall be terminated by the appointing authority in case of insubordination, misconduct or unsatisfactory or poor performance at any time during the contract period without any prior notice. (d) Willful absence from duty for a period of five days or more, in one or more spells, shall be deemed to be liable for the termination of the contract. (e) The contract of an employee can be terminated by the appointing authority in case of appointment of a person on regular basis against that post, non-availability of funds, change in Project/Programme guidelines, rationalization of the activities depending upon the Organization need, availability of staff from regular side, non-continuation of the project by the Commission.
<b>23.</b>	<b>Other Conditions:</b> (1) Persons appointed under these Regulations shall not be eligible for any kind of pension for the period of such appointment. (2) Appraisal Report of the contractual employee shall be recorded by the reporting officer and he/she shall assess the performance, skill, work and conduct.
<b>24.</b>	<b>Interpretation. -</b> Whenever the provisions made in these Regulations are found to be silent or unclear and any question arises relating to interpretation with regard to any matter, the decision of Commission shall be final.
<b>25.</b>	<b>Amendment. -</b> HERC has the inherent right unless otherwise provided to amend these Regulations from time to time, in accordance with requirements.